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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/539,834	03/31/2000	Todd Siegel	084016.00009	9608
33448	7590	04/11/2006	EXAMINER	
ROBERT J. DEPKE LEWIS T. STEADMAN TREXLER, BUSHNELL, GLANGLORGI, BLACKSTONE & MARR 105 WEST ADAMS STREET, SUITE 3600 CHICAGO, IL 60603-6299			TAWFIK, SAMEH	
ART UNIT		PAPER NUMBER		3721
DATE MAILED: 04/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/539,834	SIEGEL ET AL.	
	Examiner	Art Unit	
	Sameh H. Tawfik	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 21 February 2006 .

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 7-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 7-13 and 19 is/are allowed.

6) Claim(s) 14-18 and 20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11142005 .

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_ .

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-18 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, lines 7 and 8; “automatically effecting relative motion in at least two directions between said common funnel...” is vague and confusingly worded as it is not clear the relative motion is between the common funnel and what?; etc.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemasa et al. (5,765,606) in view of Knudsen (4,490,963).

Takemasa discloses a method of filling solid pharmaceutical product packaging comprising the steps of automatically selectively dispensing one or more solid pharmaceutical products from a plurality of different drug sources (Fig. 3; via tablet cases 7) into a common funnel (Figs. 3 and 4; via 33) and automatically effecting relative motion in at least two

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directions of motions (via funnel 33 is automatically rotatable, which cold be considered as on motion in two directions) to selectively locate the funnel (33) at locations corresponding to individual ones of the cavities (via V); wherein the two directions of motion are generally perpendicular in a common substantially horizontal plane beneath the funnel (via by rotating the funnel 33).

Takemasa does not disclose a product package having plurality of cavities arranged in an array having rows and columns, simultaneously sealing another pharmaceutical product package that has been previously sealed; nor a step of printing information on a pharmaceutical product package; nor placing the cavities beneath the funnel. However, Knudsen discloses a similar method of filling solid pharmaceutical product packaging comprising a product package having plurality of cavities arranged in an array having rows and columns (Figs. 1 and 12), simultaneously sealing another pharmaceutical product package that has been previously filled (Figs. 1 and 6; via sealing station 18 placed and loading station 16 on the sheet feeding direction); and a step of printing information on a pharmaceutical product package (Fig. 2; column 2, lines 11-13).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Takemasa's method of filling solid pharmaceutical product packaging by using a product package having plurality of cavities arranged in an array having rows and columns, and while dispensing the solid pharmaceutical products, simultaneously sealing another pharmaceutical product package that has been previously filled; and a step of printing information on a pharmaceutical product packageas, as suggested by Knudsen, in order to package two capsules at a time to speed up the process and providing

information concerning the objects being packaged on the material from which the package is formed (column 2, lines 8-14).

Regarding claim 18: Takemasa discloses the step of automatically effecting relative motion (via automatically moving funnel 33) comprising moving the product package cavities beneath the funnel (via V is moving beneath the funnel).

Regarding claims 19 and 20: Takemasa discloses that wherein the two direction of motion are in a common plane beneath the common funnel (note that it is inherent V is capable of moving in two directions beneath the funnel) and the common funnel (33) providing a single transmission path being incrementally moved so that it is selectively located at a location corresponding to the cavity to fill it with one or more solid pharmaceutical products, see for example (Figs. 1-6).

***Allowable Subject Matter***

Claims 7-13 and 19 are allowed as the prior art of record fails to disclose or suggest the combination of the claimed method of filling solid pharmaceutical product packaging as amended and supported by the reasons provided in the remarks of the amendment filed on 02/21/2006. In particular, the prior art of record fails to disclose the claimed method comprising among other steps the step of automatically aligning the cavities of the product package template with the cavities of the product package along with the step of automatically effecting relative motion in two directions of motion between the common funnel and the plurality of product package template cavities to locate the common funnel over individual ones of the cavities, in the claim environment (Fig. 1).

***Response to Arguments***

Applicant's arguments filed on 02/21/2006 have been fully considered but they are not persuasive.

Applicants argue that the applied references do not disclose a product package including cavities arranged in rows and columns and relative motion between the funnel and the package in two directions of motion. The examiner maintains that as claim 14 broadly referring to automatically motion in two direction "automatically effecting relative motion in at least two direction between said common funnel" and as the claim been rejected under 35 U.S.C. 112 for confusion, Takemasa's reference disclosed the claimed automation movement in two direction as it is clear funnel 33 as it is rotating can be seen as moving in two different directions.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sameh H. Tawfik  
Patent Examiner  
Art Unit 3721



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